

REVISED

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JULY 24, 2006
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today during the 2:00 p.m. Council meeting.**

Conference with Legal Counsel - existing litigation, pursuant to California Government Code Section 54956.9(a):

**CS-1 *Isbell v. City of San Diego, U.S.D.C.*
United States District Court No. 98CV0688**

DCA assigned: B. Walters

This matter is an action filed by George Isabell Jr. and G&B Emporia Inc. challenging the City’s zoning ordinance for the location of Plaintiffs’ adult entertainment business. The City Attorney will brief the City Council on the status of the matter in closed session and request appropriate action including seeking direction on settlement of the case at mandatory settlement conference requested by the federal district court.

**CS-2 *Canyon Ridge Baptist Church, Inc. et al. v. City of San Diego*
United States District Court No. 5CV2313**

DCA assigned: G. Spitzer

This matter regards an allegation that the Park and Recreation Department Fee Schedule and the application of the Fee Schedule violate Plaintiffs’ constitutional rights. The City Attorney requests that the City Council consider a possible settlement of the case in closed session.

**CS-3 *Friends of Fox Canyon v. City of San Diego, City Council of San Diego*
San Diego Superior Court Case No. GIC864623**

DCA assigned: M. Dickenson

This matter involves a California Environmental Quality Act case which challenges the City Council's approval of a Mitigated Negative Declaration. The City Attorney requests that the City Council consider a possible settlement of this case in closed session.

**CS-4 *City of San Diego v. Callan, et al.*
San Diego Superior Court Case No. GIC852419**

EACA assigned: D. McGrath

Request to approve prior contingent fee arrangement with the Law Firm of Stanford & Associates and for a deposit of money for expert fees.

**CS-5 *Anthony Purbaugh v. City of San Diego*
Claim No. LP0607050804**

DCA assigned: A. Jones

This is a case for payment of cost associated with damages caused by the break of a 6 inch asbestos cement water main. The City Attorney will advise the Council President and Members of the City Council regarding the current status of this case.

**CS-6 *Marcus R. Abbe, et al. v. City of San Diego, et al.*
United States District Court No. 05CV1629**

EACA assigned: D. McGrath

This matter is a class action filed by numerous police officers alleging violations of the memorandum of understanding with the City of San Diego. In closed session the City Attorney will brief the Council on the status of the matter and request retention of outside counsel in the matter.

**CS-7 *City of San Diego v. Chapin*
San Diego Superior Court Case No. GIC863096**

CA assigned: M. Aguirre, DCA S. Spivak, DCA C. Fitzgerald

This matter is a pending lawsuit filed by the City of San Diego against former deputy city attorney and SDCERS general counsel Loraine Chapin. The lawsuit alleges Ms. Chapin breached fiduciary duties and violated Government Code Section 1090. In closed session, the City Attorney will brief the Council on the status of the matter and request that the Council consider a proposed settlement.

**CS-8 *Get Outdoors II, L.L.C. v. City of San Diego*
Federal District Court Case No. 03cv1436**

DCA assigned: M. Stiffler

This case concerns the regulation of billboards in the City of San Diego. The City Attorney will advise the Council President and Members of the City Council regarding the current status of this case.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code Section 54956.9(b):

CS-9 *Shier Aviation*

DCA: M. Park and D. Shanahan.

This matter involves potential litigation against the City of San Diego for alleged breach of contract. In closed session, the City Attorney will report to the Council on the options to settle the threat of litigation.